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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,005	08/07/2001	Stephen Lange Ranzini	3892-4003	1961

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EXAMINER	
COLBERT, ELLA	

ART UNIT	PAPER NUMBER
3696	

NOTIFICATION DATE	DELIVERY MODE
08/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/924,005	RANZINI, STEPHEN LANGE	
	Examiner	Art Unit	
	Ella Colbert	3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3 and 5-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3 and 5-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 3, and 5-8 are pending. Claims 1, 3, and 5-8 have been amended in this communication filed 5/12/08 entered as Response After Non-Final Action.

2. The claim objections to claims 1, 3, and 5-8 have been overcome by Applicant's amendment and are hereby withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The "establishing the foreign currency as a stock" in claim 1 and 'listing the foreign currency as a stock" is not found in Applicant's Specification.

Claim Objections

Claims 1, 5, and 6 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 3, 7, and 8. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 2001/0025265) Takayasu in view of (US 2002/0087454) Calo et al, hereafter Calo.

Claim 1, Takayasu discloses, A system to handle a currency exchange, comprising:

A memory having program code stored therein (col. 1, pg. 10 [0150]); and a processor operatively connected to said memory for carrying out instructions in accordance with said stored program code (col. 1, pg. 10 [0151]), wherein said program code, when executed by said processor, causes said processor to perform (col. 1, pg. 10 [0154]). Takayasu failed to disclose, establishing the foreign currency as a stock on a stock exchange, wherein the stock is priced using a currency different than the foreign currency; presenting on the stock exchange, using quotation of the stock exchange, the stock; establishing a predetermined number of market makers, having responsibility for the stock, wherein one or more of the requests are passed to one or more of the market

makers. Calo discloses, establishing the foreign currency as a stock on a stock exchange, wherein the stock is priced using a currency different than the foreign currency (col. 2, pg. 2 [0030] –pg. 3, col. 1, line 47); presenting on the stock exchange, using quotation of the stock exchange, the stock (Pg. 3, col. 2 [0034]-pg. 4, line33); establishing a predetermined number of market makers, having responsibility for the stock, wherein one or more of the requests are passed to one or more of the market makers (Pg. 4, col. 1 [0035]col. 2 [0037] and Pg. 6, col. 1 [0044]).
It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Calo in Takayasu because such an incorporation would allow Takayasu to give principal market maker quotes with having the use of a human market maker in a trading environment which is well known.
Claim 3, Independent claim 3 is rejected for the similar rationale as given above for claim 1.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 2001/0025265) Takayasu in view of (US 2002/0087454) Calo et al, hereafter Calo and further in view of (US 2002/0087455) Tsagarakis et al, hereafter Tsagarakis. This application claims priority to a non-provisional of provisional application No. 60/259,268, filed on December 30, 2000.

Claims 5 and 7, Takayasu and Calo failed to disclose, wherein said responsibility includes posting a bid and offer for said stock, Tsagarakis discloses, wherein said responsibility includes posting a bid and offer for said stock (Page 5, col. 1 [0041] –col.

2, line 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Tsagarakis in Takayasu because such an incorporation would allow Takayasu to simplify the cross-border trading of stocks, options, mutual funds, and fixed income instruments.

Claims 6 and 8, Takayasu and Calo failed to disclose, wherein said responsibility includes offering to purchase or sell said stock for posted amounts. Tsagarakis discloses, wherein said responsibility includes offering to purchase or sell said stock for posted amounts (Page 4, col. 1 [0036]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Tsagarakis in Takayasu because such an incorporation would allow Takayasu to convert currency, an order to buy or sell an amount of a first currency in exchange for a second currency and to decrease the transaction costs of each trade.

Response to Arguments

Applicant's arguments filed zz5/12/08 have been fully considered but they are not persuasive.

Issue no. 1: Applicant argues: The Applicant respectfully submits that the cited references, taken individually or in combination, fail to disclose, teach or suggest "establishing the foreign currency as a stock on a stock exchange, wherein the stock …" and "… listing the foreign currency as a stock on a stock exchange, wherein the stock is priced using a currency different than the foreign currency … has been considered but is not persuasive. Response: Applicant is arguing the amendments to the claims making these arguments moot.

"A claimed invention is unpatentable if the differences between it and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art." 35 U.S.C 103(a) (2000); *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1734, 82 USPQ2d 1285, 1391 (2007). "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." Id. 127 S. Ct. at 1739, 82 USPQ2d at 1395.

"when a work is available in one field of endeavor, design incentatives and other market forces can prompt variations of it, either in the same field or in a different one. If a person of ordinary skill in the art can implement a predictable variation, 103 likely bars patentability." Id. 127 S. Ct. at 1740, USPQ2d at 1396.

Resort can be had to case law regarding the rational supporting the motivation for combining references as follows: "We have noted that evidence of a suggestion, teaching, or motivation to combine references may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved". *In re Dembiczak*, 50 USPQ2d 1614.

Also see, *In re Nilssen* (CAFC) 7 USPQ2d 1500 (7/13/1988). "Nilssen urges this court to establish a "reality-based" definition whereby, in effect, references may not be combined to formulate obviousness rejections absent an express suggestion in one prior art reference to look to another specific reference. We reject that recommendation as contrary to our precedent which holds that for the purpose of combining references, those references need not explicitly suggest combining teachings, much less specific

references." See, e.g., *In re Sernaker*, 702 F.2d 989, 995, 217 USPQ 1, 6 (Fed. Cir. 1983); *In re McLaughlin*, 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

. **Inquiries**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dixon Thomas can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

August 4, 2008

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	09/924,005	RANZINI, STEPHEN LANGE	
	Examiner	Art Unit	
	Ella Colbert	3696	